

MONDAY, December 8, 1851.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of Friday was read and adopted.

On motion of Mr. Taylor, Mr. Day was granted leave of absence for a few days.

Mr. Sterne presented the petition of Thomas J. Rusk, James H. Starr and David Rusk; referred to the committee on Public Lands.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred the petition of John Whigel, Adam Kuhn and Herman Frels, reported a bill for the relief of John Weigel and Heinrick Krey or his assigns; read first time.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, to wit:

A bill for the relief of Samuel C. Henderson;

A bill for the benefit of W. W. Wooten, assignee of David Lloyd;

A bill for the relief of Julian Sanchez;

A bill to locate the seat of Justice of Cass county;

A bill for the relief of Oliver Hedgecoxe;

A bill making an appropriation to pay the several assessors and collectors of Taxes for taking the census of their respective counties, for the year 1851; and,

A bill to allow the several counties in this State to establish workhouses or houses of correction.

Mr. Hill, chairman of the committee on the Public Debt, made the following report:

The committee on the Public Debt, having had under consideration a bill to be entitled an act requiring the holders of the liabilities of the Republic of Texas, for which the revenues of said Republic were specially pledged, to file releases with the government of the United States; and a bill to provide for liquidating the public debt of the late Republic of Texas; also, another bill providing for the payment of the debt of the late Republic of Texas; have instructed me to report the accompanying bill providing for the liquidation and payment of the debt of the late Republic of Texas, as a substitute for the above named bills, and recommend its passage. The committee have also had under consideration the memorial of James Holford, and being unable to discover the error of the Comptroller

complained of, and having recommended in the accompanying bill, an appropriation for the payment of the claim upon which the memorial is founded, have instructed me to return the same to the Senate, and ask to be discharged from its further consideration; all of which is respectfully submitted.

A bill providing for the liquidation and payment of the debt of the late Republic of Texas.

Mr. Davis from the same committee, made the following counter report :

To the Hon. JOHN A. GREER,

President of the Senate :

The undersigned, a minority of the committee upon the public debt, to whom was referred a bill providing for the payment of the debt of the late Republic of Texas, begs leave to report his objections to the substitute adopted by the majority of the committee.

The substitute appropriates a large portion of the five millions which Texas is now entitled to receive from the government of the United States, under the provisions of the compromise act, to the payment of the debts of creditors who have refused, and still refuse to file releases with the government of the United States, for the liabilities of the late Republic of Texas, for which the revenue was pledged.

He further objects for the following reason : there is yet the amount of over two million of dollars of the debt of the late Republic of Texas, which was filed in due time with the Auditor and Comptroller, under the provisions of an act of the Legislature of Texas, and upon which they have not closed their action, and upon which it is expected they will report during this session, and which will be entitled to as much favor as the debt for which the appropriation referred to has been made, which if it receives, an appropriation of the whole five millions will have been made, which will prevent any available appropriation for the improvement of our rivers, or the promotion of common schools for the next two years.

And he objects for the further reason, that the policy of the majority of the committee in thus unnecessarily making such appropriation, is to him incomprehensible.

JAMES DAVIS, one of the committee.

Mr. Eddy, chairman of the committee on Printing, made the following report :

The committee on Printing, to which was referred the resolution of the Senate, instructing said committee to contract for

the printing of one hundred copies of the message of the Governor, and the report of the Commissioners to investigate land titles west of the Nueces, have contracted with Messrs. DeCordova & Co., for the printing of the same, for the sum of sixty dollars.

On motion of Mr. Taylor, 150 copies of the bill providing for the liquidation and payment of the debt of the late Republic of Texas, was ordered to be printed.

On motion of Mr. Bogart, a bill to require the return of field-notes in certain cases, was taken from the table, and placed among the orders of the day.

Mr. Meusebach introduced a joint resolution, instructing our Senators, and requesting our Representatives in Congress, to urge the passage of a law allowing drawback upon foreign goods imported into the United States, and exported by land through Texas to Chihuahua and Northern Mexico ; read first time.

ORDERS OF THE DAY.

A bill for the relief of Julia Buchanan ; read, and, on motion of Mr. Burleson, laid on the table until to-morrow.

On motion of Mr. Eddy, a bill regulating sales by administrators and executors, etc., was taken from the table and placed among the orders of the day.

A bill to provide for the erection of public buildings in Kaufman county ; read third time.

On motion of Mr. Hart, the bill was amended by striking out the second section ; the bill was then passed.

A message was received from the House, informing the Senate, that the House concurred in the amendments of the Senate to a bill granting Thomas Cevallos permission to remain in this State, and refused to concur in the amendments of the Senate to a bill to amend an act regulating the public printing, approved March 8, 1848.

A bill to encourage the deepening of the Anahuac Pass at the mouth of the Trinity river ; read third time.

Mr. Parker moved to lay the bill on the table ; lost.

On motion of Mr. Parker, the bill was laid on the table until to-morrow.

A bill for the relief of W. D. Thompson & Co., assignees of John Simonds, and a bill relinquishing to the county of El Paso a certain tract of land ; were read a third time and passed.

A bill to provide for the reception and deposit of a portion of the indemnity due the State of Texas by the United States,

for a sale of a portion of her north-western territory, under the provisions of an act of Congress, approved September 9, 1850; read.

Mr. Dancy offered the following amendment:

In section one, line two, strike out the words "the Comptroller of public accounts of this State," and insert instead thereof "George W. Smyth."

In section second, line one, strike out the word "Comptroller," and insert in its stead "George W. Smyth."

Mr. Scott offered the following as an amendment to Mr. Dancy's amendment: "Governor of the State, by and with the advice and consent of the Senate, to appoint an agent whose duty it shall be"; rejected by the following vote:

Yeas—Messrs. Bogart, Burleson, Kinney, Reaves, Scott, Sterne and Wilson—7.

Nays—Messrs. Armstrong, Bigelow, Burks, Dancy, Davis, Doane, Duggan, Eddy, Gray, Grimes, Hart, Hill, Merriman, Meusebach, Parker, Taylor, Truit and Williams—18.

The question was then taken on Mr. Dancy's amendment, and lost by the following vote:

Yeas—Messrs. Armstrong, Dancy, Davis, Doane, Duggan, Eddy, Hart, Parker, Truit and Wilson—10.

Nays—Messrs. Bigelow, Bogart, Burks, Burleson, Gray, Grimes, Hill, Kinney, Merriman, Meusebach, Reaves, Scott, Sterne, Taylor and Williams—15.

Mr. Dancy moved to strike out the words "the Comptroller of public accounts of this State."

Mr. Scott moved to lay the bill on the table; lost by the following vote:

Yeas—Messrs. Armstrong, Dancy, Doane, Eddy, Kinney, Parker, Scott and Truit—8.

Nays—Messrs. Bigelow, Bogart, Burks, Burleson, Davis, Duggan, Gray, Grimes, Hart, Hill, Merriman, Meusebach, Reaves, Sterne, Taylor, Williams and Wilson—17.

The question then recurred on Mr. Dancy's amendment to strike out, upon which the yeas and nays were as follows:

Yeas—Mr. Dancy—1.

Nays—Messrs. Armstrong, Bigelow, Bogart, Burks, Burleson, Davis, Doane, Duggan, Eddy, Gray, Grimes, Hart, Hill, Kinney, Merriman, Meusebach, Parker, Reaves, Scott, Sterne, Taylor, Truit, Williams and Wilson—24. Lost.

The bill was then ordered to be engrossed.

On motion of Mr. Taylor, the Senate insisted on their amendments to a bill to amend the second and seventh sections of an act regulating the public printing, approved March 8, 1848.

Mr. Burleson moved that a committee of Conference be appointed on the part of the Senate, and request the appointment of a like committee on part of the House on said bill; carried.

Messrs. Burleson, Wilson and Doane, were appointed said committee.

Mr. Eddy introduced a bill for the relief of the heirs of Jonathan Wallace, deceased; read first time.

On motion of Mr. Burks, the Senate adjourned until three o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Taylor introduced a bill for the relief of James Frazer; read first time.

On motion of Mr. Eddy, the committee on Printing was instructed to procure from the Auditor and Comptroller, a copy of document A.

A bill making an appropriation to pay the several assessors and collectors of taxes, for taking the census of their respective counties for the year 1851; read, and, on motion of Mr. Bigelow, laid on the table until Wednesday next.

The following bills were severally read a third time and passed, to wit:

A bill for the relief of Julian Sanchez;

A bill for the relief of Samuel C. Henderson;

A bill to locate the seat of justice of Cass county;

A bill for the relief of Oliver Hedgecoxe; and,

A bill for the benefit of W. W. Wooten, assignee of David Lloyd.

The report of the committee on Private Land Claims, reporting a substitute for a bill for the relief of the heirs of William Gibbs, deceased; read and adopted.

Mr. Williams offered the following amendment, to come in after Gibbs: "and that said certificate be located and surveyed as other second class certificates;" adopted, and bill ordered to be engrossed.

A bill to provide for the service of process issuing from justices courts in certain cases; read.

Mr. Reaves offered the following amendment:

Amend by adding another section in the following words: "Section 4. Where there are two or more defendants in a suit and one or more are served with process, in due time, and others not so served, the plaintiff may either discontinue, as to those not so served, and proceed against those that are, or he may continue the suit until the next term of the court and take

new process against those not served ; and no defendant against whom any suit may be discontinued, according to the provisions of this section, shall be thereby exonerated from any liability under which he was, but may at any time be proceeded against as if no such suit had been brought, and no such continuance entered as to such defendant ; provided that this section shall not be so construed as to allow a plaintiff to discontinue as to the principal, and take judgment against the endorsers or surety who is jointly sued ;" adopted, and bill ordered to be engrossed.

The resolution of the Senate, requesting the committee on the Judiciary to take into consideration the propriety of investing the county courts of the several counties of this State, with the authority to grant charters of incorporation to cities, towns and villages, and report by bill or otherwise ; was read and adopted.

The report of the committee on the Judiciary, on a bill to repeal a joint resolution for the relief of free persons of color, approved June 5, 1837, recommending that it be laid upon the table ; was read and adopted.

The report of the committee on Claims and Accounts on a joint resolution for the relief of J. W. E. Wallace , read.

Mr. Hill moved to lay the report and joint resolution on the table ; lost.

The yeas and nays were then called on the adoption of the report, and were as follows :

Yeas—Messrs. Armstrong, Bogart, Burks, Dancy, Davis, Eddy, Gray, Grimes, Hart, Hill, Merriman, Meusebach, Parker, Reaves, Taylor, Truit and Williams—17.

Nays—Messrs. Bigelow, Burleson, Doane, Duggan, Scott, Sterne and Wilson—7.

Report adopted, and joint resolution indefinitely postponed.

A bill to incorporate the town of Anderson, in Grimes county ; and a bill to incorporate the town of Quitman ; read, and passed to third reading.

A bill to incorporate the town of Clarksville ; taken up, and, on motion of Mr. Eddy, the further reading of it was dispensed with, and bill passed to third reading.

A bill to repeal the 24th section of an act concerning crimes and punishments, approved 20th March, 1848 ; read and passed to third reading.

A bill for the relief of John M. Rine, or his legal assignee ; read second time, and ordered to be engrossed.

A bill for the relief of the heirs of Felix A. Richardson, deceased ; read second time, and ordered to be engrossed.

A bill to authorize Robert Burns, a citizens of the State of Louisiana, to practice law in all the courts of the State of Texas; read second time, and, on motion of Mr. Dancy, referred to the committee on the Judiciary.

A bill authorizing the county courts of El Paso county, to appoint the place of holding the district courts in said county, and define the time of holding the district courts in the 11th Judicial District; read second time, and, on motion of Mr. Dancy, referred to the committee on the Judiciary.

A bill supplementary to the act establishing the Galveston and Red River railway company; read, and, on motion of Mr. Taylor, referred to the committee on Internal Improvements.

On motion of Mr. Wilson, the Senate adjourned until ten o'clock to-morrow morning.

TUESDAY, December 9, 1851.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present—the journal of yesterday was read and adopted.

Mr. Williams presented the petition of Francis A. Kelman; referred to the committee on Public Debt.

Mr. Williams also presented the petition of Wesley Askins; referred to the committee on Claims and Accounts.

Mr. Bogart presented the petition of Jonathan S. Lee; referred to the committee on Private Land Claims.

Mr. Parker presented the memorial of John F. Ramsdale; referred to the committee on Private Land Claims.

Mr. Armstrong, chairman of the committee on Public Lands, to which was referred a bill to remove certain Spanish records hereinafter described, from the General Land Office to the county court Clerk's office of Refugio county, reported the same back and recommended its passage.

Mr. Armstrong, from the same committee made the following report:

The committee on Public Lands, to whom was referred a bill for the relief of the heirs of Levi P. Lockhart, dec'd., and of Danial D. Wilson, dec'd., have examined the reasons urged for relief, and find that Lockhart enlisted during the war, and died in the service; but in consequence of the statement of his death being informally made, they are forced to apply to the legislature for that relief which accident or mistake deprived